

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 14691 OF 2024.**

**IN**

**FIRST APPEAL (St.) NO. 29687 OF 2024.**

Sonya Chaitya Varthe

...Applicant.

*In the matter of:*

Maurice Nicholas Miranda (Deleted, since deceased)  
and Others

...Appellants.

**Versus**

M/s. East and West Builders and Others

...Respondents.

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*Mr. Jitendra Damani for Appellant.*

*Mr. Aditya Sharma i/b Mr. Purusothaman for Respondent No. 1.*

*Ms. Vidya Vyavhare for Respondent-Corporation.*

*Mr. A. R. Patil, AGP for State.*

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**Coram : Sharmila U. Deshmukh, J.**

**Date : 3<sup>rd</sup> March, 2025.**

**P. C. :**

1. Interim Application has been preferred seeking condonation of delay of 37 days caused in preferring the First Appeal.
2. Learned counsel appearing for Applicant submits that due to ill-health, necessary instructions could not be given for filing the Appeal and thus, there is delay of 37 days.
3. Learned counsel for Respondent No. 1 opposes the Application and would submit that there is no sufficient explanation given for

condoning the delay. He would further submit that there is no medical certificate, which has been annexed to support the case of ill-health.

4. Considering that delay is only of 37 days and that Appellants are stated to be Adivasis and unaware of the legal procedure and filing of Appeal, delay is sufficiently explained.

5. Hence, Interim Application is allowed. Delay stands condoned.

**[Sharmila U. Deshmukh, J.]**